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In the United States Patent and Trademark Office

Applicant : Mary Ann Caneba

Appn. NO. : 10/002,763

Filed : Nov. 27, 2001

Title : Picking Rake

Grp./A.U. : 3671

Examiner : Arpad F. Kovacs

Honorable Commissioner for Patents

Washington, District of Columbia 20231

Date of Mailing: August 19, 2003

This communication is in fulfillment of the requirement to file a Statement of the Substance of the Interview within one month from the mailing date of 07/30/03 of the Examiner's Interview Summary.

**Statement of the Substance of the Interview**

Type: telephonic

Participants: Examiner and applicant

July 17, 2003

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The examiner informed applicant that the second set of claims, claims 27 - 56 were not satisfactory despite the applicant's best efforts to correct flaws pointed out in the first office action. Claim 27 as written is not sufficient to overcome prior art. The other independent claims are for different inventions, and a restriction is in order.

The examiner informed the applicant that she is faced with only two options considering that the second office action will most likely be a rejection. These options are:

1. The examiner will subdivide the claims into different classes or in effect, different inventions, and the applicant elects only one. Then the examiner reviews the elected invention. However, since this is already the second OA, a rejection is expected.
2. The examiner writes a claim for the applicant pursuant to MPEP 706.03(d) and 707.07(j).

The applicant clarified with the examiner that if the examiner's written claim does not cover the other different invention/s, the applicant can file divisional patents on the restricted inventions. While no specifics were discussed regarding the restricted inventions, the applicant understood it to cover whatever is not covered by the examiner's amended claims.

The applicant decided to take the second option.

July 21, 2003

The applicant was not available when the examiner attempted to contact her by phone.

July 24, 2003

The examiner faxed to the applicant a copy of one independent claim and some dependent claims. It also cited a new reference (Mitchell, D., US Pat.# 6,370,857). The examiner and applicant discussed the elements that were included in the claim to overcome prior art namely: the removable handle, remote location of the hand grips, and the aperture for a pivotal connection between the two rake handles. The applicant expressed concerns about the necessary inclusion of the word "removable" considering that the application included the idea that the rake head and handle can be fabricated as one piece. Although he pointed out that any subsequent patent application claiming a one-piece construction will not be granted, the applicant expressed concerns about loss of patent claim rights to those who simply fabricate that part of the invention as one piece with or without a patent. The examiner agreed to research the matter further. The applicant against the

inclusion of "aperture through which a second connecting means....." because the application included the idea that the upper end of one of the rake handles can also be connected to the other rake handle by second means similar to the first connecting means thus making the two rake units completely detachable. A connection having an aperture is just one of the means. Nothing in prior art shows this kind of connections for the type of rake being considered. The examiner informed the applicant that the Mitchell patent also has two completely detachable units with a side-by-side rake head arrangement. The participants agreed to allow each other more time to research and think it over and to proceed with the discussion the following day. The applicant still needed to access and review the Mitchell patent via the internet.

July 25, 2003

The applicant and the examiner reconvened. The applicant thought that inclusion of the words "removably" and "aperture...." was unduly narrowing the scope of the claim beyond what is necessary to overcome prior art. Mitchell's hand grips are on the rake head itself while the present invention's are on the rake handle, substantially remote from the rake head itself. The present invention is

further differentiated by the claim's recitation of the first and second connection means on the handle. Mitchell's only connecting means per the patent specifications are what is on the rake head. To restrain other inventions because of the patent's mere mention of "other connecting means on the rake parts other than those shown" without adequate supporting specifications is unduly too broad and unfair. Therefore, the second connection means of the present invention can be claimed more broadly although limited of course to what is disclosed in the specifications - in this case, several ways to either effect a pivoting connection or a completely detachable connection, some with apertures and some without. The same argument can also be presented against the inclusion of the word "removably". It is not necessary to overcome prior art. The examiner was not convinced. The applicant's request for another broader independent claim was not granted. Another dependent claim requested by the applicant was put in record. The words "removably" and "aperture...." were retained in the claim.

A handwritten signature in cursive script, reading "Mary Ann Caneba", is written over a horizontal line.

Mary Ann Caneba, applicant pro se

Certificate of Mailing

I hereby certify that this correspondence will be deposited with the United States Postal Service by priority mail, postage prepaid, in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 08/19/03

Inventor's Signature: Mary Ann Caniba